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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,509	12/05/2001	Nelson Douglas Pitlor	PITLPI01USA	2338
7590 12/29/2006 Warren A. Sklar Renner, Otto, Boisselle & Sklar, LLP 1621 Euclid Avenue, 19th Floor Cleveland, OH 44115-2191			EXAMINER EPPS, TODD MICHAEL	
			ART UNIT	PAPER NUMBER
			3632	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/007,509

Applicant(s)

PITLOR, NELSON DOUGLAS

Examiner

Todd M. Epps

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-21, 27, 68-76 and 85-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-12, and 68 is/are allowed.
- 6) ☒ Claim(s) 13-21, 27, 69-76 and 85-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the second Office Action for serial number 10/007,509, Remotely Attachable And Separable Coupling, filed on December 5, 2001.

The word "Velcro" in claim 69 filed July 26, 2006 with a bracket is considered a non-compliant. The word should have a strike-through on it.

Claim Objections

Claims 87 and 88 are objected to because of the following informalities: line 1, the word "the" should be -- The --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-21, 27, and 85-88 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,074,341 to Niederost.

Niederost '341 discloses a fixture mounting structure comprising a base (A'), a cover (B'), a magnetic device (12, 15 and a mechanical retainer (1, 2); the base is mountable securely to a support; the cover is attachable to the base; the

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magnetic device to support the cover from the base to hold the cover and base together; the selectively operable mechanical retainer is to provide retention of the cover to the base, further comprising a tool (C) positionable with respect to the mechanical retainer to operate the mechanical retainer to uncouple the base from the cover; and an elongated member is a pole to apply force to uncouple the magnetic device.

Regarding claims 85-88, the method is inherent to the structural limitation set forth in the claims.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Japanese Patent No. 02002091691A to Nakamura.

Nakamura '691 discloses a base (12) Mountable securely to a support; a cover (32) attachable to the base; a magnetic device (16) to mount the cover to the base to hold the cover and base together; a selectively operable mechanical retainer (48) to provide retention of the cover to the base; the base further includes an electrical connection (20) with respect to the cover; wherein the cover further comprises a means to couple the power from the base to the cover; and wherein the means for coupling the electrical power from the base to the cover comprises a fixed terminal (62) and a conductive ring (30a).

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Claims 70-76 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,181,251 B1 to Kelly.

Kelly '251 discloses a mounting system comprising a base (33), a mounting member (30B) and a multi-retention mechanism (35, 36); the base (33) is attachable to a support (37); the mounting member (30B) is selectively attachable to the base and removable from the base; the multi-retention mechanism holds the base and the mounting member together; the multi-retention mechanism includes at least one mechanical attachment (35, 36) and a second attachment (35, 36); the mechanical attachment selectively operates to release and hold and operated using a positive lock; the second attachment (35, 36) is selectively operable independently from the at least one mechanical attachment to release, hold and operates responsive to a positional relationship to support the mounting member from the base, wherein a device (30A) is attached to the mounting member; the device is a smoke detector and is externally powered by battery; and the device is a light fixture (64) that is battery powered externally (see fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura '691.

Nakamura '691 fails to disclose a light fixture or a smoke detector.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the fixture mounting structure to include a light fixture or a smoke detector because one would have motivated to provide a means for adding an object like a light fixture or smoke detector for safety purpose.

Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niederost '341.

Niederost '341 teaches a fixture mounting structure comprising a base (A'), a mounting member (B'), a multi-retention mechanism including at least one mechanical attachment (1, 2) and a second attachment (12, 15); the base is attachable to a support, the mounting member is selectively attachable to the base and removable from the base; the multi-retention mechanism holds the base and the mounting member together; the multi-retention mechanism includes at least one mechanical attachment (1, 2) and a second attachment (12, 15); at least one mechanical attachment is selectively operable to release and hold and operates using a positive lock; and the second attachment is selectively operable to release and hold and operates responsive to a positional relationship.

However, Niederost '341 fails to disclose wherein the second attachment

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comprises a hook and loop fastener. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the second attachment to include a hook and loop fastener because one would have motivated to provide an alternate means for holding the base to the mounting member.

Allowable Subject Matter

Claims 6-12, and 68 are allowed.

Regarding claim 6, the prior art fails to teach a fixture mounting structure in combination with a base, a cover, a magnetic device, mechanical retainer, and wherein a mechanical retainer comprises a clip and a retention member.

Regarding claim 7, the prior art fails to teach a fixture mounting structure in combination with a base, a cover, a magnetic device, mechanical retainer, wherein a mechanical retainer comprises a clip and a retention member, and wherein a retention member is a retaining ring.

Regarding claim 11, the prior art fails to teach a fixture mounting structure in combination with a base, a cover, a magnetic device, mechanical retainer, and wherein a mechanical retainer comprises a clip and a retention member.

Regarding claim 68, the prior art fails to teach a fixture mounting structure in combination wherein the second attachment includes a magnet and magnetically responsive plate.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd M. Epps
Patent Examiner
Art Unit 3632
December 20, 2006



A. JOSEPH WUJCIAK III
PRIMARY EXAMINER
TECHNOLOGY CENTER